

UNPUBLISHED

**UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT**

UNITED STATES OF AMERICA,
Plaintiff-Appellee,

v.

ROBERT STEVE JOLLY,
Defendant-Appellant.

No. 01-4439

Appeal from the United States District Court
for the Middle District of North Carolina, at Durham.
N. Carlton Tilley, Jr., Chief District Judge.
(CR-00-339)

Submitted: November 19, 2001

Decided: December 7, 2001

Before LUTTIG, MOTZ, and TRAXLER, Circuit Judges.

Affirmed by unpublished per curiam opinion.

COUNSEL

Louis C. Allen, III, Federal Public Defender, John A. Dusenbury, Jr., Assistant Federal Public Defender, Greensboro, North Carolina, for Appellant. Benjamin H. White, Jr., United States Attorney, Angela H. Miller, Assistant United States Attorney, Greensboro, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

OPINION

PER CURIAM:

Robert Steve Jolly appeals the district court's revocation of supervised release imposed pursuant to a conviction for conspiracy to possess and pass counterfeit obligations and retaliating against a witness. Jolly's attorney has filed a brief in accordance with *Anders v. California*, 386 U.S. 738 (1967), stating that there are no meritorious issues for appeal. On Jolly's behalf, counsel contends that the district court erred by admitting hearsay evidence at the revocation hearing. Although notified of his right to do so, Jolly has not filed a pro se supplemental brief.

Because the Federal Rules of Evidence do not apply to miscellaneous proceedings such as revocation hearings, and because the hearsay testimony had some indicia of reliability, we find no error. *See* Fed. R. Evid. 1101(d)(3). *United States v. McCallum*, 677 F.2d 1024, 1026 (4th cir. 1982); *see generally United States v. McHan*, 101 F.3d 1027, 1038 (4th Cir. 1996). In addition, we have examined the entire record in this case in accordance with the requirements of *Anders* and find no meritorious issues for appeal. We therefore affirm.

This court requires that counsel inform his client, in writing, of his right to petition the Supreme Court of the United States for further review. If Jolly requests that a petition be filed, but counsel believes that such a petition would be frivolous, then counsel may move in this court for leave to withdraw from representation. Counsel's motion must state that a copy thereof was served on Jolly. Finally, we dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED